

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 19, 2016

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CATHERINE ANN TOWNSEND,

Defendant.

No. 4:15-CR-6038-SMJ

**ORDER DENYING DEFENDANT'S
MOTION FOR
RECONSIDERATION**

Before the Court, without oral argument, is Defendant Catherine Ann Townsend's Motion for Reconsideration, ECF No. 118. On October 12, 2016, the Court entered an order granting the Government's motion in limine to exclude the testimony of Defendant's expert Ron Phillips. ECF No. 116 at 4. The court concluded that Phillips's opinion rests on his interpretation of the law and application of that law to his understanding of the facts and is therefore not based on "scientific, technical, or other specialized knowledge [that] will help the trier of fact to understand the evidence or to determine a fact in issue." ECF No 116. On Friday, October 13, 2016, Defendant filed a memorandum requesting that the Court permit Phillips to testify as a summary witness to matters other than his legal opinion. ECF No. 118. The Court construed this memorandum as a motion

1 for reconsideration. ECF No. 120. In her reply brief, Defendant insists that she
2 was not requesting reconsideration of the Court's order, but was instead offering
3 Phillips as an expert on a different basis. ECF No. 122 at 2. But the Court's order
4 made clear that none of Phillips's proposed testimony was admissible as expert
5 testimony under Rule 702. Defendant does not propose that Phillips testify on a
6 different topic, she simply proposes eliminating any reference to legal opinion.
7 Because Defendant has not identified any new facts or legal authority showing
8 that the Court should have limited rather than excluded Phillips's testimony,
9 Defendant's motion is denied.

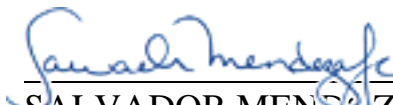
10 Accordingly, **IT IS HEREBY ORDERED:**

11 **1. Defendant Motion for Reconsideration, ECF No. 118, is DENIED.**

12 **2. Testimony of Ron Phillips is EXCLUDED.**

13 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
14 and provide copies to all counsel.

15 **DATED** this 19th day of October 2016.

16 
17 SALVADOR MENDEZ, JR.
18 United States District Judge
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